

# AN ACT

RESPECTING CERTAIN SAVINGS BANKS

IN THE

PROVINCES OF ONTARIO AND QUEBEC,

AND

## THE CHARTER

OF THE

### Montreal City & District Savings Bank.



Montreal:

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1871.





ANNO VICESIMO-QUINTO

## VICTORIÆ REGINÆ.

### CAP. VII.

An act respecting certain Savings Banks in the  
Provinces of Ontario and Quebec.

[Assented to 14th April, 1871.]

**W**HEREAS it is expedient to repeal the Act first hereinafter <sup>Preamble</sup> mentioned, under which no Savings Bank has been established, and to amend the laws respecting certain Savings Banks in the Provinces of Ontario and Quebec, acting under temporary Acts, or Acts providing that such Banks shall be subject to the operation of any general law for the better regulation and management of Savings Banks in the said Provinces, and more especially to provide that the depositors in any such Savings Bank shall be secured by a certain amount of capital to be held by such Bank; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act forming the fifty-sixth chapter of the Consolidated Statutes of Canada, intituled "An Act respecting Savings Banks," <sup>Con. Stat. Can. c 56</sup> is hereby repealed. <sup>repealed.</sup>

2. The Act of the Legislature of the late Province of Canada, <sup>Acts 4 and 5</sup> passed in the Session held in the fourth and fifth years of Her Majesty's reign, and intituled, "An Act to encourage the establish- <sup>Vic. c. 32, 27</sup> ment of, and to regulate Savings Banks in this Province;" and the <sup>Vic. c. 6</sup> Act of the said Legislature passed in the twenty-seventh year of Her Majesty's reign, intituled, "An Act to amend the Act of 1841, relating to Savings Bank," shall, as regards the Quebec Provident and Savings Bank,—the Northumberland and Durham Savings Bank, and the Toronto Savings Bank, and in so far as the said Acts now apply to the said Institutions or any of them, remain in force and apply to the same institutions respectively, until the end of the <sup>Continued for</sup> Session of Parliament commencing next after the first day of Jan- <sup>a limited time.</sup> uary, 1872, and no longer, subject always to the special provisions hereinafter made; and this Act shall also extend and apply to the City and District Savings Bank of Montreal, incorporated by the Act of the Legislature of the late Province of Canada, passed in

the twenty-fifth year of Her Majesty's reign, and intituled "An Act to extend and define the powers of the City and District "Savings Bank of Montreal,"—and to *la Caisse d'Economie de Notre Dame de Quebec*, incorporated by the Act of the said Legislature, passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's reign, and intituled "An Act to extend and define the powers of the Savings Bank, known under the "name of *la Caisse d'Economie de Notre Dame de Quebec*"—as to each of which Institutions it is provided by the said Act incorporating it, that it shall not be exempt from the operation of any general law thereafter to be enacted for the better regulation and management of Savings Banks,—and the said institutions respectively shall be entitled to avail themselves of all the provisions of this Act; Provided always, that if the assets and liabilities of any one of the said Savings Banks, be under this Act transferred to Her Majesty, or to any existing Chartered Bank, or to any Savings Bank chartered under this Act, the rights and liabilities so transferred shall remain in force, and may be enforced by or against the party to whom they are so transferred; but all the provisions of the said Acts or of any of them, as to the organization of such Savings Banks, or in any wise inconsistent with this Act, shall cease to be in force from the time such transfer is completed; and provided also, that any offender against the said Acts, may be prosecuted, tried, convicted and punished, as if the said Acts had not expired.

Provide: in case the assets and liabilities of any Savings Bank are transferred under this Act.

Provision for such transfer.

3. At any time before the expiration of the Acts aforesaid, provision may be made for the transfer or continuance of the business of any of the said Savings Banks, in any one of the following ways, at the option of the Trustees or Managing Directors of the Bank, or a majority of them, that is to say:—

1. The assets and liabilities of the Bank may be transferred to the Dominion Government; or

2. They may be transferred to any chartered Bank, having its chief seat of business or a branch office at the place where the Savings Bank is established and chartered before the present Session of Parliament; or

3. The Governor General may grant a charter to the Savings Bank in the manner and on the conditions hereinafter mentioned.

If the transfer be to the Government.

4. 1. If the Trustees or Managing Directors of the Bank, or a majority thereof, resolve that it is expedient to transfer the assets and liabilities thereof to the Dominion Government, they shall communicate such resolution to the Governor, and shall furnish him with such returns and information with respect to the business and affairs of the Bank as he may think proper to require, and shall permit any person whom he may appoint for the purpose, to have free access to the books, papers, and other documents necessary for the purpose of verifying or extending such information, and if the Governor be satisfied that it is expedient to give effect to the said resolution, an Order in Council may be made for that purpose.



2. Upon, from, and after a day to be fixed by the Order in Council, all the assets and property, estates, and effects, real or personal, *chooses* in action, claims, rights and credits of the Bank, and all the powers of the Bank, or of the Trustees or Managing Directors with respect to the same, shall be by virtue of such Order in Council transferred to and vested in Her Majesty for the Dominion of Canada and the purposes of this Act; and the Dominion shall be charged with all the debts and liabilities of the Bank; and any suit, action or proceeding by or against the Bank, pending at the time of such transfer, with respect to any right or liability so transferred to Her Majesty or charged upon the Dominion, may be continued and completed in Her Majesty's name upon suggestion of this Act and the said Order in Council. *Transfer to vest assets and liabilities in H. M. for the Dominion.*

3. The business of the Bank may be continued at the same place, as a Branch Savings Bank, under the provisions of the Act of the present Session, intituled, "An Act to provide additional facilities for the deposit of savings at interest, with the security of the Government, and for the issue and redemption of Dominion Notes," and under the management of an Assistant to the Receiver General. *Business may be continued and how.*

4. If it can be ascertained by estimate to the satisfaction of the Governor in Council, by what amount the assets of the Bank exceed its liabilities, he may direct a like amount to be invested by the Receiver General in five per cent. Dominion Stock, and out of the interest thereof, if sufficient, a like sum shall be paid over to each of the several charitable institutions, among which the surplus profits of the Bank were distributed in the then last year, as each of them then received, or if the interest be insufficient to pay the like sum, then a proportionate part thereof shall be paid to each such institution,—and if there be a surplus after paying such like sum, then such surplus shall be paid over yearly to the Corporation of the Municipality in which the business of the Bank was carried on, to be distributed by such Corporation for charitable purposes; or if such estimate cannot be so satisfactorily made, or if the Governor in Council should deem it more expedient, he may direct that accounts be kept during five years, of the proceeds of such assets, and that the excess of the proceeds over the liabilities assumed by the Government, as calculated from such accounts, be invested as aforesaid, and the interest distributed yearly for charitable purposes, in the manner and proportions aforesaid. *Distribution of surplus assets over liabilities.*

5. 1. If the Trustees or Managing Directors of the Bank or a majority of them, resolve that it is expedient that the assets and liabilities of them be transferred to a Chartered Bank, they may enter into an agreement with the Directors of such Chartered Bank for that purpose, as to the terms and conditions of such transfer, subject to the confirmation of such agreement by the Stockholders of the Chartered Bank, to a general meeting of whom the Directors shall submit such agreement accordingly, and if it is approved by the Stockholders at such meeting it shall be submitted to the Governor in Council for approval, and if approved, an Order in Council may be made confirming it, and it shall then have force and effect, as if embodied in and confirmed by this Act: *If the transfer be to a chartered Bank.*

Transfer of  
assets and  
liabilities.

2. And at the time fixed for that purpose by such agreement, all the assets and property, estates and effects, real and personal, *chooses* in action, claims, rights and credits of the Savings Bank party to such agreement, and all the powers of such Bank or of the Trustees or Managing Directors thereof with respect to the same, shall be by virtue of such agreement transferred to and vested in the Corporation of the Chartered Bank, party to such agreement, which shall be charged with all the debts and liabilities of the Savings Bank, and any suit or proceeding by or against the Savings Bank pending at the time of such transfer with respect to any right or liability so transferred, may be continued and completed in the name of the Chartered Bank upon suggestion of this Act and of the said agreement:

Distribution  
of supplies of  
assets over  
liabilities.

3. The value of the assets and property so transferred by a Savings Bank to a Chartered Bank, and the amount of its liabilities assumed by the Chartered Bank shall be ascertained and stated in the agreement (and the Governor may require such estimate to be verified in any way he may think proper) and the interest on any excess of the estimated value of such assets and property over that of such liabilities, shall be distributed yearly by the Chartered Bank among the several charitable institutions among which the surplus profits of the Savings Bank were distributed during the then last year, and in the like proportion.

If the Savings  
Banks is  
continued  
under a  
charter.

Capital

Petition to the  
Governor.

Stock book to  
be opened.

6. If the Trustees or Managing Directors of the Savings Bank, or a majority of them, resolve that it is expedient that the business of the Bank be continued under a Charter, they shall determine the amount of Stock which they consider it expedient that the Bank should have, which shall not be less than \$200,000 nor more than \$2,000,000, and the shares into which it shall be divided, which shall not be less than \$400 each, and shall then communicate their said Resolution to the Governor by petition, praying that a Charter be granted incorporating them and such others as may be thereafter associated with them, to carry on the business of the Bank under this Act, and stating the amount of the stock and the shares into which it is divided, and any special provisions which they may desire with respect to those purposes for which it is hereby provided that provision may be made without prescribing what such provision shall be; and the Governor being satisfied that these requirements have been complied with, and that it is expedient that the Charter be granted, may grant the same: The Trustees or Managers so incorporated, shall be Provisional Directors to open a Stock-Book, and to call the first general meeting of the Stockholders, and to do all such things as may be required preliminary to such meeting:—And they shall open such Stock-Book accordingly, and receive the signatures of such of their number and other persons as shall be willing to become Stockholders in the Bank, and whom the said Provisional Directors may think proper to accept as such; but no such subscription shall be accepted or held to be made, unless the subscriber at the time

of subscribing pays to the Provisional Directors for the Bank ten per centum on the amount subscribed for, or such other percentage as will amount in the whole to a sum not less than one hundred thousand dollars, which shall be forthwith invested by the Provisional Directors in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion, in trust for the Bank; and such payment and investment shall be certified to the Governor to his satisfaction; and when the whole stock shall have been subscribed for, and such percentage as aforesaid paid thereon, the Stock-Book shall be closed; and if the whole stock be not subscribed for within one month after the granting of the Charter the Stock-book shall be closed, and the amount then subscribed for and in part paid as aforesaid, not being less than \$200,000, shall be the Capital of the Bank, and when the Stock-Book is so closed the Provisional Directors shall call the first general meeting of the Stockholders for the election of Directors and other purposes in the manner provided in the Charter;—

If the whole stock be not Subscribed—amount subscribed to be the capital but not less than \$200,000

The Charter shall be granted for ten years; and shall make such Donation and provision on the following subjects as the petitioners may desire, and the Governor may deem expedient, that is to say:—

provisions of charter.

1. The name of the Bank, and the place at which its business is to be carried on: Name.
2. The calling and holding of the first general meeting of the stockholders for the election of Directors; the number of Directors, which shall not be less than five nor more than ten, and their general powers; the election of a President (and vice-President if desired), the filling of vacancies in the office of Director occurring between the annual elections, the quorum of Directors and the mode of voting at their meetings, and who shall preside thereat, with or without a casting vote in case of equality of division; and the payment or non-payment of the President, Vice-President or other Directors: First General meeting for election of Directors.
3. The making, altering or repealing by the Stockholders at their general meetings, of by-laws, rules and regulations not being inconsistent with this Act or the Charter, for the management of the affairs of the Bank, including the mode of transferring and disposing of the stock and profits thereof, and any matter not provided for by this Act or by the Charter: By Laws.
4. The general yearly meetings and special general meetings of the stockholders, the powers thereof, and the proceedings thereat; General meetings.
5. The appointment of officers, and the security to be given by them:— Officers.
6. The making of dividends to the Stockholders on the profit of the Bank; but no dividend shall be made to impair the paid up Capital of the Bank; Dividends.
7. The inspection of the books, papers, and correspondence, respects the right of the Directors and Stockholders respectively to make such inspection; Inspection of books, &c.



Loans to Directors.	8. The limiting of loans to or on the security of any Director of the Bank ;—
Returns to Government.	9. The returns to be made by the Bank to the Government or to Parliament, including certified lists of the Stockholders, the periods at which they shall be made, and what they shall shew, the verification of such returns, and the right of the Governor to require further information if he deems it expedient ;—
Real estate.	10. The holding of real estate by the bank for its own occupation and use, and the value of the real estate to be so held ;—
Other matters.	11. Such other matters and subjects not specially provided for in this Act, as may be deemed necessary for the management of the affairs and business of the Bank and of the nature of those usual in Bank Charters :
Effect of Charter.	12. And all provisions made in such Charter on any of the subjects and matters aforesaid, not being inconsistent with this Act or with the law of Canada, shall have force and effect as if herein enacted ; and the following provisions of this Act shall apply to such Bank without being inserted in its Charter.
Qualification of Directors Votes.	7. The qualification of a Director shall be the holding of twenty-five shares of stock, and the Directors shall be elected annually at a general meeting of the shareholders, and shall be eligible for re-election : and each stockholder shall, on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting : Stockholders may vote by proxy, but no person but a stockholder shall vote or act as such proxy : And no Cashier, Bank Clerk or other officer of the Bank shall vote either in person or by proxy or hold a proxy for that purpose.
Proxies.	
Transfer of rights and liabilities.	8. So soon as the first general meeting of the Stockholders, for the election of Directors and other purposes, has been held and the Directors elected, all the assets and property, estates and effects, real or personal, <i>choses</i> in action, claims, rights and credits of the Savings Bank to be continued under such Charter, and all the powers of such Savings Bank or of the Trustees or Managing Directors thereof, with respect to the same, shall be, <i>ipso facto</i> , and by virtue of the said Charter and of this act, transferred to and vested in the corporation of the chartered Bank, and the Directors thereof, and such chartered Bank shall be charged with and liable for all the debts and liabilities of the Savings Bank ; and any suit or proceeding by or against the Savings Bank, or the Trustees or Managing Directors thereof, pending at the time of such transfer, with respect to any right or liability so transferred, may be continued and completed in the name of the chartered Bank, upon suggestion of this Act and the said Charter.
Calling in Stock.	9. The Directors of the chartered Bank may call up the stock subscribed for and remaining unpaid, by calls not exceeding five per cent and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls ; but it shall be their duty to call up five per cent. of the stock, or



such other percentage thereof as will in the whole amount to not less than \$100,000, every twelve months after the first election of Directors, until twenty-five per cent. of the whole stock, or \$200,000 if the capital be not more than \$300,000, shall have been paid up, and all stock when paid up shall be invested in Dominion Stock, or other Dominion securities, or public securities of any of the Provinces of the Dominion: Provided that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the Bank to meet the claims of depositors and other liabilities, which case is provided for in the eleventh section.

10. The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount; and in any action for the recovery thereof, it shall be sufficient to allege and prove the Charter, and that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognisant of any fact required to be proved, shall be sufficient proof thereof and any copy of the Charter, purporting to be certified as a true copy thereof by the Secretary of State of Canada, shall be deemed authentic and shall be *prima facie* evidence of the Charter and of the contents thereof. Recovery of calls.

11. The Stockholders of the Bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that each Stockholder shall be liable to an amount equal to the amount (if any) not paid up of their shares respectively, and no more; and the Directors may and shall make calls on the unpaid-up Stock to the full amount not paid up, or to such less amount as they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the Bank, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; any such call shall not exceed twenty per cent. on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid up stock; and the first of such calls shall be made within ten days after such deficiency as aforesaid shall be ascertained, and the failure on the part of any Stockholder liable to such call to pay the same when due, shall operate a forfeiture by such Stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred. Liability of stockholders in case of deficiency of assets to meet claims.

12. Persons who having been Shareholders in the Bank, have only transferred their shares or any of them to others or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on Liability after transfer of shares.

demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank in case of its insolvency shall have the powers of the Directors with respect to such calls.

Transfers of  
Stock.

**13.** The shares in the Bank shall be personal property, and transferable in the manner provided by the By-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder, but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends, and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank.

Bank may  
receive depos-  
its and pay  
interest.

**14.** It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall from time to time be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum.

The rate.

Depositors to  
give name and  
address.

**15.** Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation.

Deposits from  
minors and  
persons not  
otherwise able  
to enter into  
contracts.

**16.** It shall be lawful for the Bank to receive deposits from any person or persons whomsoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest, thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that if the person making any deposit in the Bank be not, by the existing laws of the Province where the Bank is established, authorized to do so, then the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Investment of  
deposits to  
the amount of  
the Capital of  
the Bank.

**17.** It shall be lawful for the Bank to invest any moneys deposited therewith, to an amount not exceeding in any case its subscribed capital, in any stock or public securities of the Dominion,

or of any of the Provinces of the Dominion, or in any Municipal Debentures, or in the manner provided in the two next following sections, and not otherwise, except only in the manner hereinafter provided as to deposits in excess of the amount of the capital of the Bank: Provided, that the Bank may continue to hold any stock of any now existing chartered Bank, held by it before it becomes chartered under this Act, and may sell and dispose of such stock.

18. It shall also be lawful for the Bank to loan such moneys to <sup>The same.</sup> the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or Foreign Public securities, or stock of some chartered bank in Canada or any stock in incorporated Building Societies, or in bonds or debentures or stock of any incorporated institution or Company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefor.

19. In the event of the Bank making any loan under the two <sup>Enforcing</sup> next preceding sections, upon personal securities with collateral <sup>payment of</sup> security, other than real property, for the repayment thereof, if the <sup>loans made by</sup> repayment is not made within thirty days after such loan becomes due or payable, the Bank may sell the same after notice shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to the last known place of his residence, a letter containing such notice: and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the President or Vice-President, Manager, Cashier, or other officer of the Bank, thereunto authorised by the Directors, may transfer and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer but without any warranty from the Bank or from any officer thereof; and the Bank shall only be bound to account to the person or persons indebted to it in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all costs and charges thereon; Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any way that may have been agreed on with the borrower depositing the same, or in any other lawful way that the Directors may deem for the interest of the Bank. <sup>Proviso: other</sup> <sup>recourse not</sup> <sup>affected.</sup>

20. The Bank may purchase any lands or real estate offered <sup>Add to pur-</sup> for sale under execution at the suit of the Bank, or exposed to sale <sup>chase lands</sup> by the Bank under a power of sale given to it for that purpose, in it, if sold. <sup>mortgaged to</sup>

under execution,  
tion, &c.

cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may require a title thereto as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.

And to obtain  
an absolute  
title, by re-  
lease, &c., of  
equity of  
redemption.

**21.** The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure in any Court of Chancery or of equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred, or may purchase and acquire any prior mortgage or charge on such land.

May exercise  
power of sale,  
&c.

**22.** Nothing in any Act or law shall be construed as having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged.

Investments  
beyond the  
amount of  
subscribed  
capital, to be  
in Govern-  
ment secu-  
rities.

**23.** Beyond the amount of its subscribed capital stock, the Bank shall make no investment of moneys deposited therewith, except only in Debentures of the late Province of Canada, or Debentures secured by the Government of Canada, or Debentures of any of the Provinces constituting the Dominion of Canada, or in Dominion stock bearing interest at a rate greater by one per cent. per annum, than that which at the time of such investment the Bank is directed by the Governor in Council to pay to depositors; and such Stock the Receiver General may issue to the Bank at par in sums not less than \$1,000, on payment by the Bank of the nominal amount of such stock, which shall not be transferable, but shall be issued and redeemed, and the interest paid thereon, in such manner, and at such times, on such notice, in such sums, and shall in all respects be subject to such regulations, as may from time to time be prescribed by the Treasury Board and approved by the Governor in Council, the interest on such stock while unredeemed being paid to the Bank.

Not to prevent  
deposit on call  
in a chartered  
Bank.

**24.** Nothing in the four next preceding sections shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking in the same place, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest.

Excess of  
market value  
of securities  
over par, how  
to be dealt  
with.

**25.** Within three months after the election of Directors of any Savings Bank chartered under this Act, the Directors shall make out a statement of the affairs of the Bank, showing the value of its assets, (including any reserve fund), at par, and during two years from the date of such statement they may realize such assets at their market value, keeping an account of the proceeds thereof;



and during such two years they shall distribute yearly to charitable institutions the average amount per annum which the Trustees or Managing Directors of the Savings Bank for which such chartered Bank is substituted, so distributed during the three years next preceding the granting of the charter; and at the end of such two years the amount ascertained to have been realized for such assets (and such reserved fund) over and above their nominal value at par, shall be invested in Dominion Stock by the Directors, and the interest thereof shall be distributed yearly by the Directors among charitable institutions.

**26.** No failure to elect Directors of any such chartered Savings Bank shall operate any dissolution of the Corporation; but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Stockholders which the Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid. Failure to elect Directors how remedied.

**27.** Any Director of any such Bank who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner provided by the Charter. Director becoming insolvent.

**28.** If the interest in any deposit or share in any such Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same under such transmission, in the Books of the Bank, as proprietor of such deposit or share; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive such deposit or share or any part thereof or of any interest or dividend thereon; Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit or share in the Bank, which shall be made in country, Transmission of shares or deposit otherwise than by regular transfer. Proviso: as to declaration made in a foreign country.

any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-consul, or other accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British consul or Vice-consul or other accredited representative; And provided also, that nothing in this Act contained, shall be held to debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if payment be made to any depositor of any deposit or of any interest thereon, or of any dividend or any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said Bank.

Proviso: Bank may require further proof.

Transmission by marriage or by decease.

**29.** If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it be notarial, an authentic copy thereof or the letters of administration or act of tutorship, or curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the books of the Bank.

Bank not bound to see to trusts.

**30.** The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the Bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the Bank, or such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall not be bound to see to the application of the money paid on such receipt whether given by one of such parties or all of them.

Payments made in good faith on certain documents to be valid.

**31.** Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *prima facie* to be entitled to such interest, dividend or deposit, by the production of a declaration in writing, and of

the documents in support thereof hereinbefore mentioned, shall be valid ; and the discharge of such person or persons shall be sufficient, and shall discharge the Bank from all or any further claim by any person whomsoever for such interest, dividend or deposit.

**32.** If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the said books of account, for any fraudulent purpose ; or if any such officer, clerk or servant secretes, appropriates or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement for any time less than two years, in the discretion of the Court before whom he may be convicted ; Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

**33.** Any person who falsely pretends to be the owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly, provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under his Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

**34.** The making of any wilfully false, or Jeceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall unless it amounts to a higher offence, be a misdemeanor ; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

Savings Bank  
not to issue  
Bank notes.

**35.** No Savings Bank chartered under this Act shall issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the Act respecting Banks and Banking.

To be subject  
to any general  
Act.

**36.** This Act shall be subject to any general provisions which Parliament may deem it advisable to make for protecting the interest of depositors in any Savings Bank or of the public ; and to those of any general winding up Act which may be declared to apply to Savings Banks acting under this Act ; and no such provision, or any provision that may be made for carrying out the true intent and objects of this Act shall be deemed an infringement of the privileges of any Savings Bank or Bank acting as such under this Act.

**37.** Certified Lists of the shareholders of Landed Credit Companies, with their additions and residences, the number of shares they respectively hold and the amount paid thereon, shall be laid before Parliament every year within fifteen days of the opening of the session.



# CHARTER

OF THE

## **Montreal City & District Savings Bank.**

(Signed,)

LISGAR.

CANADA.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith., &c., &c.,  
f.c.

(Signed,)

A. CAMPBELL,

Acting M. of J.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING.

**W**HEREAS in and by the Act of Parliament of our Dominion of Canada passed in the Thirty-fourth year of Our Reign and intituled, An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec, it is among other things enacted in effect that if the Trustees or Managing Directors of any one of the Savings Banks to which the said Act applies and which are mentioned therein or a majority of them, resolve that the business of the Bank be continued under a Charter, they shall determine the amount of Stock which they consider it expedient that the Bank should have, which shall not be less than two hundred thousand dollars, nor more than two million dollars, and the shares into which it shall be divided which shall not be less than four hundred dollars each, and shall then communicate their said Resolutions to the Governor by Petition praying that a Charter be granted incorporating them and such others as may thereafter be associated with them to carry on the business of the Bank under the said Act, and stating the amount of the Stock and the Shares into which it is divided, and any special provisions which they may desire with respect to those purposes for which it is by the said Act provided that provision may be made without prescribing what that provision shall be, and that the Governor being satisfied that these requirements have been complied with, and that it is expedient that the charter be granted, may grant the same, and that the Trustees or Managing Directors so incorporated shall be provisional Directors to open a Stock Book, and to call the first general Meeting of the Stockholders, and to do all such things as may be required preliminary to such Meeting, and that the Charter shall be granted for ten years and shall make such provision on certain subjects in the said Act, and hereinafter mentioned as the Petitioners may desire and the Governor may deem expedient, and that all the provisions made in such Charter on any of the subjects and matters aforesaid not being inconsistent with the said Act or with the Law of Canada,

shall have force and effect as if enacted in the said Act, and that certain provisions of the said Act shall apply to any Bank chartered under the said Act, without being inserted in its Charter.

And Whereas the Montreal City and District Savings Bank, incorporated by the Act of the Legislature of the late Province of Canada, passed in the twenty-fifth year of Our Reign, and intituled an Act to extend and define the powers of the City and District Savings Bank of Montreal, is one of the Savings Banks mentioned in the said Act, as one to which it applies and which is entitled to avail itself of all the provisions thereof.

And Whereas the Honorable Luther H. Holton, President, Henry Judah, Vice-President, Henry Starnes, Henry Mulholland, Edwin Atwater, Joseph Amable Berthelot, Alfred LaRocque, William Workman, Alexandre Maurice Delisle, and Edward Murphy, Managing Directors of the said Savings Bank, at a meeting held in the Board Room of the said Bank, in the City of Montreal, on the seventeenth day of April, in the year of Our Lord One thousand eight hundred and seventy-one, Resolved unanimously that it is expedient that the business of the said Montreal City and District Savings Bank be continued under a Charter to be obtained from our Governor General of Our Dominion of Canada under the provisions of the said Act, and that as regards those purposes for which it is provided by the said Act that provision may be made in such Charter, without prescribing what such provision shall be, they desire that the Charter may contain the provisions hereinafter made and which Our said Governor General deems expedient :

And Whereas the persons hereinbefore named have communicated their said Resolution to Our Said Governor General by petition, praying that a charter may be granted incorporating them and such others as may be hereafter associated with them, and stating the amount of the Stock which they consider it expedient that the said Bank should have at two million dollars, divided into shares of four hundred dollars each, and the other particulars mentioned as aforesaid in the said resolution, and Our said Governor General is satisfied that the requirements of the said Act have been complied with, and that it is expedient that the Charter prayed for be granted :

Now Know ye therefore, that under the authority and by virtue of the Act hereinbefore mentioned and in part recited, and by and with the advice of Our Privy Council of Canada, We do hereby grant this to be the Charter of "The Montreal City and District Savings Bank," that is to say :

1. The several persons hereinbefore mentioned and such others as may be hereafter associated with them for the purposes of this Charter, shall be a Corporation, body politic and corporate by the name and style of The Montreal City and District Savings Bank, and by that name they and their successors shall during the Continuance of this Charter have perpetual succession, and a common Seal, with power to alter and change the same at pleasure, to sue and be sued, implead and be impleaded in all Courts of law or

equity, and to acquire and hold real estate to the extent hereinafter limited, and to sell or otherwise dispose of the same and acquire other property in its stead to a like extent, and generally to have all the powers and privileges vested in corporations generally by the Act of the Parliament of Canada, known as The Interpretation Act, and not inconsistent with the Act first herein cited or with this Act; subject always to all the provisions of the Act last mentioned which are thereby declared to apply to any Bank Chartered under it without being inserted in its Charter, and more especially to all the provisions contained in the sections of the said Act first herein cited, numbered from six to thirty-six, both inclusive, and subject also to all the provisions hereinafter made:

2. The persons hereinbefore named shall be the provisional Directors of the said Bank to open a Stock Book and to call the first General Meeting of the Stockholders; and the Capital Stock of the said Bank shall be two million dollars divided into shares of four hundred dollars each, subject always to the provisions contained in the sixth section of the Act first herein cited, by which the said provisional Directors and the said Bank shall be governed as regards subscriptions for the said Stock, the payment and investment of payments thereon, and the reduction of the amount thereof if the amount aforesaid be not subscribed and the provisions of the said section complied with within the period thereby limited, and as to all other matters in the said section mentioned; and the powers of the provisional Directors may be exercised by any majority of them.

3. The place at which the business of the Bank shall be carried on, shall be the City of Montreal.

4. The first General Meeting of the Stockholders for the Election of Directors shall be held in the Banking house of the Bank in the City of Montreal within one Calendar month from the closing of the Stock Book, on such day and at such hour as may be decided by the provisional Directors, and notice of the time and place for holding the same shall be given at least two days previously thereto, in one newspaper in the English language and in another in the French language, published in the City of Montreal.

5. The Corporate powers, property and business of the Bank shall be exercised, managed and conducted by a board of ten Directors, and they shall have full power in all things to administer the said affairs and to make or cause to be made any description of contract which the Bank may by law enter into; the directors shall from time to time elect from among themselves, a President (and also if desired, a Vice-President,) of the Bank; and any vacancies occurring in the Board between the annual Elections may be filled for the unexpired remainder of the term, by them from among the qualified shareholders; at all meetings of the Directors six of them shall constitute a *quorum* for the transaction of business; the President or in his absence the Vice-President (if one be appoint-

ed), or in their absence one of the Directors, to be chosen for that purpose shall preside ; voting at all Meetings of the Directors shall be by voice, "*viva voce*," and in case of equality of division the presiding Officer shall have a casting vote, and no other, but the President, Vice President, or Presiding Officer shall always be reckoned as a Director in ascertaining whether a quorum is present, and they shall be and act as Directors for all purposes, except that of voting at Meetings of the Directors, at which they shall have a casting vote only as aforesaid.

6. The Stockholders may by a By-law appropriate a sum of money for the remuneration of the President (and Vice President if there be one) and Directors as such, and the President (Vice President if any) and Directors may annually apportion the same among themselves as they may see fit.

7. By-laws for the proper management of the affairs of the Bank, including the mode of transferring and disposing of the Stock and profits thereof, and any matter not provided for by the Act first herein cited or by this Charter, may be made and enacted from time to time, and also from time to time altered or repealed, and others made and enacted in their stead, at any Annual General Meeting, or at a Special General Meeting of the Stockholders called for that purpose.

8. A General Yearly Meeting of the Stockholders shall be held on the first Tuesday of the month of May in each Year, in the Banking house in the City of Montreal, unless the said day be a legal holiday, in which case it shall be held on the next juridical day ; at each of the said General Yearly Meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank ; a new Board of Directors shall be elected, the out-going Directors being nevertheless eligible for re-election ; and all questions and matters, touching and relating to the affairs and management of the Bank, shall be discussed and regulated ; and any number not less than five of the Stockholders, or the Board of Directors or any two of the Directors, shall respectively have power at any time to call a Special General Meeting of the Stockholders upon giving ten days previous notice in the manner provided for the first General Meeting for the election of Directors, and specifying in such notice the object or objects of such meeting.

9. The President, or in his absence the Vice President, if one is appointed, or in their absence, one of the Directors present, to be chosen for that purpose, shall preside at the General Meetings of the Stockholders ; the voting for the election of Directors, and on all motions shall be by ballot, and in case of equal division the presiding Officer shall have a casting vote, but no other.

10. If at any time an Election of Directors should not take place on the day fixed therefor, it shall be lawful at any subsequent time, to make such Election at a Special General Meeting to be called



for that purpose, and the Directors in Office when such failure takes place, shall remain in Office until such Election shall be made.

**11.** The Stockholders shall annually appoint at the General Yearly Meeting two Auditors, who shall carefully examine and Audit all the affairs of the Bank for the year commencing or current at the time of their nomination, and shall submit their report to the next General Yearly Meeting; and in case of any vacancy occurring in the Office of Auditor before the next Annual General Meeting the Directors shall name and appoint a substitute; and the Directors shall appoint a Manager and such Officers, Clerks and servants, as shall be necessary for conducting the business of the bank and may remove the same at pleasure. The Directors shall have power to allow the Auditors, Manager, and other Clerks, Officers and Servants, such compensation for their services respectively as they may think reasonable, and require such Manager and other Clerks, Officers and Servants before entering upon their duties to give such security for good and faithful behavior as they shall consider adequate to the trust reposed in them respectively.

**12.** The Accounts of the affairs of the Bank shall be made up annually on the thirty-first day of December, and a proper statement and balance sheet shall be prepared as soon as possible thereafter and submitted to the Auditors for examination and verification, and besides this there shall be made a supplementary statement and balance sheet, of the said affairs on the thirtieth day of June in each year; it shall be the duty of the Directors to make half yearly Dividends of so much of the profits of the Bank as to them shall appear advisable after obtaining the above mentioned statements and balance sheets. but no dividend shall be made to impair the paid up Capital of the Bank.

**13.** The Books, Papers and Correspondence of the Bank, shall at all times be subject to the inspection of the Directors, and no Stockholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

**14.** The Stockholders may by By-law regulate the amount of loans to be made to or on the security of any Director of the Bank.

**15.** The Directors shall transmit Yearly, as soon as the annual balance sheet has been prepared, an annual statement to Our Governor General of Our Dominion of Canada, to be laid before Parliament, giving a detailed account of the number of Depositors, and of the total amount of deposits, the amount invested in Bank Stock, specifying the names of such Banks and the amount invested in the Stock of each, the amount deposited with Banks at interest, specifying the names of such Banks and the amount deposited with each, the amount of cash on hand, the amount invested in Public Securities, specifying the nature of such securities, and the amount of each, the amount loaned on the collateral security of

Bank Stocks. Public Securities, or Bonds, or Stocks of incorporated Institutions and Companies, and the amount, if any, secured by Mortgage or hypothec on real estate, the amount of debts over due and in process of collection, the total accrued interest for the year, received or due to the Bank, or paid or owing by it, the annual expenses of the Bank, a list of Stockholders and all such further information as Our Governor General may require, and the Directors shall also furnish any other or further Return at any time and in any form, and with any particulars of the business of the Bank, which Our Governor General may think proper to demand of them. Every such Return shall be verified by the oath of the President or Vice President, and of the Manager of the Bank.

**16.** The Stock transfer book shall be open to the Stockholders during business hours.

**17.** The Bank may acquire and hold real estate in the City of Montreal for its own use and occupation not exceeding the yearly value of twenty thousand dollars, and the same from time to time may sell, alienate, and dispose of, and if it see fit may acquire and hold other real estate for the same purpose to a like yearly value.

**18.** And we also reserve to Ourselves to make any further special provisions which the Directors of the said Bank may desire to have made and which our Governor General may approve with respect to any of those purposes for which it is provided by the Act first herein cited that provision may be made without providing what that provision shall be, and touching which it may be found that no provision has been made in this Charter.

**19.** Nothing in this Charter shall be construed as intended to make the said Bank a Bank within the meaning of the Act of the Parliament of Canada passed in the thirty-fourth year of Our Reign and intituled an Act relating to Banks and Banking, so as to entitle it to any of the special privileges, or to subject it to any of the special restrictions conferred or imposed on Banks by that Act unless they are conferred or imposed on it by this Charter or by the Act first cited herein.

**20.** This Charter shall commence and take effect from the date thereof, and shall continue in force for ten years from such date.

In Testimony whereof We have caused these Our Letters to be made Patent, and the Great Seal of Canada to be hereunto affixed :

Witness, Our Right Trusty and Well Beloved The Right Honorable John, Baron Lisgar of Lisgar, and Bailieborough, in the Country of Cavan, Ireland, in the peerage of the United Kingdom of Great Britain and Ireland, and a Baronet, one of our Most Honorable Privy Council, Knight Grand Cross of Our Most Honorable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of St Mi-

chael and St George, Governor General of Canada,  
and Governor and Commander in Chief of the  
Island of Prince Edward.

At Our Government House, in our City of Ottawa, in  
Our Dominion of Canada, this Twenty-first day of  
April, in the year of Our Lord One thousand eight  
hundred and Seventy-one, and in the Thirty-fourth  
year of Our Reign.

By Command,

(Signed),     ET. PARENT,  
                    *Under Secretary of State.*

*From the Canada Gazette of April 29, 1871.*

**THE MONTREAL CITY AND DISTRICT SAVINGS BANK.**

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

*Ottawa, 27th April, 1871.*

**P**UBLIC Notice is hereby given that under the Act 34th Victoria,  
Cap. 7, and intituled: "An Act respecting certain Savings  
Banks in the Provinces of Ontario and Quebec," A Charter, under  
the Great Seal of Canada and Bearing date the Twenty-first day  
of the month of April, in the year of Our Lord One thousand eight  
hundred and seventy-one, has been granted by the Governor General  
to "The Montreal City and District Savings Bank."

J. C. AIKINS,  
Secretary of State for Canada.